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FM AMEMBASSY TOKYO

TO RUEHC/SECSTATE WASHDC PRIORITY 7821  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 5757  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2807  
RUEHUL/AMEMBASSY SEOUL PRIORITY 1752  
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 7229  
RUEHFK/AMCONSUL FUKUOKA PRIORITY 0294  
RUEHHK/AMCONSUL HONG KONG PRIORITY 6599  
RUEHNH/AMCONSUL NAHA PRIORITY 2649  
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 4039  
RUEHKSO/AMCONSUL SAPPORO PRIORITY 0869  
RUEHGH/AMCONSUL SHANGHAI PRIORITY 0473  
RHMFIISS/USFJ PRIORITY  
RHMFIISS/5AF YOKOTA AB JA PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RUCPDOC/DEPT OF COMMERCE WASHINGTON DC PRIORITY  
RHMFIISS/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 002816

SIPDIS

DEPT FOR EAP/J AND PM/DDTC

E.O. 12958: DECL: 09/28/2018

TAGS: ETTC ETRD KOMC JA

SUBJECT: USML CONTROLLED ITEMS CONTINUE TO SELL IN JAPAN

REF: A. TOKYO 2127  
B. TOKYO 2462

Classified By: Ambassador J. Thomas Schieffer for reasons 1.4 (b) and (d).

¶1. (C) Summary: EmbOffs continue to work with Ministry of Defense (MOD) and Ministry of Economy, Trade and Industry (METI) officials to track the source of apparently unlicensed U.S. Munitions List (USML) controlled items, including holographic weapon scopes and hand guards being sold on Yahoo Auction Japan. These are the same type of items that were exported without a license by a U.S. citizen who implicated MOD officials in the illicit trade of weapon accessories in his statement. End Summary.

¶2. (C) EmbOffs recently met with Yahoo Auction Japan representatives to discuss the Internet sale of U.S. Munitions List (USML) controlled items. Yahoo Auction Japan Business Vice President Mineki Yashiro and Legal Office Representative Tatsuya Ueyama told Econoff they had been unaware of U.S. export control regulations. Ueyama said he was uncertain if Yahoo Japan could delist the items that are not illegal for sale under Japanese law since the company would need a legal framework for adopting such a policy. (Note: The sale or possession of optical units, predominately EOTech holographic weapons scopes, Night Vision Goggles and laser-guided red-point scopes, is not illegal under Japanese law. End Note)

GOJ Officials Detail Difficulty with Domestic Law

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¶3. (C) After a U.S. citizen plead guilty July 28 to illegally exporting controlled weapon sights and hand guards to Japan, EmbOffs noted the sale of similar items on Yahoo Auction Japan and brought this to the attention of METI Export and Trade Control officials in subsequent meetings. METI Export Controls officials told EconOff they need a legal basis to take action.

¶4. (C) In a meeting with METI Trade Controls Deputy Director Atsushi Maruhara on August 29, Maruhara noted Japanese law does not prohibit importing optical elements, which could

include night vision goggles, holographic weapons sights or laser-guided, red-point weapon scopes like those EmbOffs observed at the residence/office of LEM president (ref A). Maruhara said METI Trade Controls officials have discussed whether a more expansive interpretation of Japanese law might be possible and will consider the legal implications of including military-specification optical units under Japanese export control regulations. Noting such items are covered in the Waseenaar Agreement, Maruhara said METI officials will be flexible in the search for a mutually satisfactory solution to the problem of unlicensed USML controlled items.

NPA Continues to "Contemplate" an MOD Investigation

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15. (C) Post met with National Police Agency officials October 5 to encourage them to initiate a formal investigation into the allegation that MOD officials are involved in the illicit trade. They offered no commitment to do so. The aforementioned U.S. citizen, convicted of illegal weapons accessory sales, told investigators that MOD officials introduced him to Japanese trading companies to sell USML items in Japan on the Internet. However, the only official response to this allegation thus far has been a press conference with former Defense Minister Shigeru Ishiba, in which he reviewed the known history of MOD procurement for EOTech weapon scopes.

Comment

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16. (C) We remain doubtful Japanese law enforcement officials will ratchet up the level of actions to discourage sales of unlicensed, controlled items in the near term. Japanese customs is not empowered to conduct criminal investigations and other law enforcement entities have been slow to engage. We noted a new collection of U.S. produced weapons accessories for sale on Yahoo Auctions Japan as recently as October 2 and fully expect to see future items for sale online.

SCHIEFFER